

**CITY OF ISSAQUAH  
DEVELOPMENT SERVICES DEPARTMENT  
ADMINISTRATIVE REVIEW**

**NOTICE OF DECISION**

**TO:** Clifford Gehrett  
1420 NW Gilman Blvd, #2201  
Issaquah, WA 98027

Riley and Donna Shirey  
230 NE Juniper Street  
Issaquah, WA 98027

**SUBJECT:** Reach Island LLC Recreational Marijuana  
File No. ASDP14-00012

**DECISION DATE:** January 8, 2014

**REQUEST:** An Administrative Site Development Permit (ASDP) application for establishment of a state-licensed recreational marijuana retail business, per State Initiative-502 and WSLCB (Washington State Liquor Control Board) regulations.

In accordance with IMC 18.07.512, the collective garden shall be located entirely within an enclosed structure and no delivery of cannabis shall be visible to the public. A recreational marijuana facility shall not locate in the same tenant space as a medical marijuana collective garden but may locate in the same building. The recreational marijuana facility shall be separated by at least 1,000 feet from another recreational marijuana facility, school, playground, recreation center or facility, child care center, public park, public transit center, library, game arcade. Prior to approval to begin operation, the applicant shall comply with Washington State Liquor Control Board requirements, shall have installed an operational security system and a security camera system and receive approval of an Issaquah Business License.

**LOCATION:** 230 NE Juniper Street  
See Vicinity Map, Exhibit No. 2

**DECISION MADE:** On January 8, 2014, the Development Services Department conditionally approved the Administrative Site Development Permit for the above proposal. Approval of this application is based on the submittal of October 16, 2014, and is subject to the following conditions:

1. The recreational marijuana facility shall be operated by persons or entities holding a valid marijuana license from the Washington State Liquor Control Board and shall comply with any and all requirements of the same Board.
2. No horticulture production, processing, or delivery of cannabis shall be visible to the public.
3. Allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable permits and licenses at any time during regular business hours.
4. Prior to issuance of an Issaquah Business License, the applicant shall:
  - a) Have installed an operational security alarm system that is monitored twenty-four (24) hours a day; and
  - b) Have installed an operational security camera system which retains recordings from all installed cameras for a period of not less than sixty (60) days;
  - c) Have installed, prior to issuance of a business license, any other security system as required by WAC 314-55-083.
5. Prior to commencing any construction activities, if any, the applicant shall obtain a Building Permit from the Building Department.
6. Prior to installation of signs, a separate sign permit is required for all exterior signs.

**REASONS FOR DECISION:**

1. On November 6, 2012 Initiative 502 was approved by the voters of the State of Washington to legalize the possession of certain amounts of marijuana and provided for the establishment of a state-licensed system for marijuana production, growth, processing and retail sales. On October 16, 2013 the Washington State Liquor Control Board adopted rules governing the licensing and operation of marijuana producers, processors, and retailers. Under article XI, section 11 of the Washington State Constitution, cities may make and enforce local police, sanitary and other regulations that are not in conflict with general laws. Issaquah implemented codes consistent with this state direction under Ordinance #2715, passed by the City Council on June 2, 2014 and effective June 16, 2014. The ordinance added new code sections including IMC 18.07.512 "Recreational marijuana facilities" that are addressed in this decision.
2. The City of Issaquah Land Use Code, Table of Permitted Land Uses, IMC 18.06.130, as amended by Ordinance #2715, authorizes this project to be reviewed as a Level 2 Administrative Site Development Permit (ASDP).
3. The project site is located within the North Issaquah Subarea of the Comprehensive Plan. The zoning designation of "IC", Intensive Commercial, is consistent with the Comprehensive Plan designation of "Commercial". A "Marijuana Retailer (recreational)" is shown as a permitted use "P2" on Table 4.3B Permitted Land Uses, of the Central Issaquah Development and Design Standards, IMC 18.19A as amended by Ordinance #2715. The project is consistent with the zoning and Comprehensive Plan designations.
4. Notice of Application was mailed to all property owners within 300 feet of the site on December 8, 2014. The comment period expired on December 23, 2014. One comment letter was received that

wished to ensure there isn't a possibility of lab chemicals making their way into the water supply. The applicant responded that they won't have any release of chemicals into the water supply such as from a lab and furthermore all expired product has to be sent back to a WSLCB-licensed processor for destruction.

5. The project proposes to move into an existing commercial space within the building. The applicant has no plans to make physical changes that trigger a building permit or other construction permits.
6. The proposal is exempt from State Environmental Policy Act (SEPA) review. The proposal is for a tenant improvement of an existing commercial structure. No building addition or exterior modification is proposed.
7. The project proposes no changes or impacts to development standards outlined in the Central Issaquah Development and Design Standards associated with the "IC" zone that applies to this site such as impervious surfaces, parking, landscaping, building changes, etc.
8. The proposal must meet the "Recreational marijuana facilities" requirements outlined in IMC 18.07.512. The proposal meets those requirements as follows:

**B. General Requirements:**

1. Be entirely within a permanent enclosed structure with a roof. The structure shall comply with the City of Issaquah building codes and any other applicable codes.  
*Response: The facility is located within the building located at 230 NE Juniper Street. The structure complies with the City of Issaquah and other applicable codes.*
2. Be the primary use at a location. Recreational marijuana facilities are not allowed as an accessory use or as a home occupation (see IMC 18.06.130, Table of Permitted Land Uses, and IMC 18.07.470, Home occupations).  
*Response: The use is a primary use at this location.*
3. Be operated by persons or entities holding a valid marijuana license from the Washington State Liquor Control Board issued under Chapter 314-55 WAC and any other applicable state laws and regulations.  
*Response: The applicant has applied for this license. A condition of approval is included to reinforce this requirement.*
4. Obtain a City business license.  
*Response: A condition of approval is included to reinforce this requirement.*
5. Ensure that no horticulture production, processing or delivery of marijuana shall be visible to the public.  
*Response: A condition of approval is included to reinforce this requirement.*
6. Comply with any and all requirements of the Washington State Liquor Control Board.  
*Response: A condition of approval is included to reinforce this requirement.*
7. Allow inspection of the site and facilities by City personnel including law enforcement for compliance with all applicable permits and licenses at any time during regular business hours.  
*Response: A condition of approval is included to reinforce this requirement.*

C. Separation Requirements:

1. Only one (1) recreational marijuana facility is allowed in a single tenant space, except a marijuana licensee holding both marijuana producer and marijuana processor licenses may locate their combined operation in a single tenant space;

*Response: This condition is met. There is no producer or processor with this facility.*

2. No recreational marijuana facility shall be permitted within one thousand (1,000) feet of any other recreational marijuana facility;

*Response: This condition is met.*

3. A recreational marijuana facility shall not locate in the same tenant space as a medical marijuana collective garden;

*Response: This condition is met. Eastside Greenlight medical marijuana collective garden is located in a separate tenant space in this building.*

4. No recreational marijuana facility shall be permitted within one thousand (1,000) feet of any use specified in RCW 69.50.331 and WAC 314-55-050, including the following:

- a. Elementary or secondary school;
- b. Playground;
- c. Recreation center or facility;
- d. Child care center;
- e. Public park;
- f. Public transit center;
- g. Library;
- h. Game arcade where admission is not restricted to persons age twenty-one (21) and over.

*Response: None of these uses are located within 1,000 feet of this facility.*

D. Application Requirements: An application for a recreational marijuana facility shall include the following information in addition to the application requirements for a Level 2 Administrative Site Development Permit (ASDP):

1. The application shall be made by:
  - a. A marijuana licensee; or
  - b. An applicant for a marijuana license.

The application shall include a copy of the license or a copy of the license application. A permit shall not be issued for a recreational marijuana facility unless the applicant is a marijuana licensee;

2. A map drawn to scale showing that the proposed recreational marijuana facility is at least one thousand (1,000) feet from all uses specified in RCW 69.50.331 and WAC 314-55-050. A survey prepared by a surveyor licensed in the state of Washington may be required by the Director; and

3. The applicant shall submit a copy of the operating plan required by the Washington State Liquor Control Board as part of the license application.

*Response: The application included all of the information listed above.*

- E. Signage: All signage shall comply with the requirements specified in WAC 314-55-155, Advertising, Chapter 18.11 IMC, Signs, and Chapter 18.19A IMC, Central Issaquah Area Development and Design Standards, as applicable.

*Response: A condition of approval is included to reinforce this requirement.*

- F. Security Requirements: A recreational marijuana facility shall:

1. Have installed, prior to issuance of a business license, an operational security system that is monitored twenty-four (24) hours a day;
2. Have installed, prior to issuance of a business license, an operational security camera system which retains recordings from all installed cameras for a period of not less than sixty (60) days;
3. Have installed, prior to issuance of a business license, any other security system as required by WAC 314-55-083;
4. Comply with the crime prevention through environmental design (CPTED) regulations in Appendix 2 of Chapter 18.07 IMC, Required Development and Design Standards, to the extent possible as determined by the Director; and
5. Comply with all other provisions in WAC 314-55-083. (Ord. 2715 § 6 (Exh. A5), 2014).

*Response: A condition of approval is included to reinforce this requirement.*

9. The application was routed to other City departments and those comments are incorporated into this decision.

David Favour  
David Favour, Deputy Director

January 8, 2015  
Date Signed

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**EXHIBIT LIST**

1. File and application ASDP14-00012, received October 16, 2014
2. Vicinity Map

